

Dear Federal Communications Commission,

I am greatly concerned about the notion of the "broadcast flag" in digital TV. Most notably, I'm concerned that while the proposal would cause strong enforcement of the broadcasters' wishes at the consumer end, there is no similar provision to enforce consumers' wishes at the broadcast end. I should note that the name "John Doe" is a pseudonym, and is used due to the fact that my employer is one of the major media companies lobbying for this rule, and my employment could be jeopardized if they were to read this comment.

I want to see forced usage limits at the broadcast end of this system. If you don't enforce some, you will end up with a system completely littered with "COPY NEVER" messages on every single broadcast. The yin to the yang of en masse copying of broadcasts, and ultimately a bad thing. I want to see some reasonable quotas for usage of such a system, perhaps in terms of hours per week, or shows per week. Force broadcasters to use their precious protection credit towards only the shows they absolutely must use "COPY NEVER" on. The number should represent about 1/4 to 1/3 of an average broadcaster's prime-time lineup as "COPY NEVER", about as much permitted "COPY ONCE", with perhaps an allowance for protection of one feature-length film per week in addition (which should not be transferrable to any other show). The end result will be that only shows a television broadcaster views as "high value" will be protected.

Further, I believe the broadcast flag should never be permitted to interfere with Personal Video Recorder systems - on the provision that they pass the broadcast flag intact. TiVo, for instance, will record a Macrovision signal received and re-encode it to the output of its playback. It was done as a courtesy to cable systems and movie studios and most likely done at great expense that didn't have to be incurred. It would not be unreasonable to have moderate levels of content protection, but to remove the time-shifting facility from the public at large would be a travesty.

As for enforcement, I'd propose something quite simple. A very generous "10 strikes you're out" policy. Each infringement of the broadcast flag limitation (by one of the 4 major networks) should carry a hefty fine (\$100,000 or so, doubling to each broadcaster with subsequent violations) and one "strike" against the entire broadcast industry. The "strike" would be a progressive penalty, which expires 10 years from such a violation. If ever the number of active "strikes" should reach 10 (and at least 1 each came from 3 of the four major networks), the restrictions on consumers and electronics manufacturers should be lifted (as their rights would have been infringed), and consumers should have the right, at that time, to remove such "protection" from any and all systems covered.